

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Trovon Keith

Plaintiff

V.

Nancy C. Merchant; Tamara Conwell
Maria Leggins; Amy Enloe; Ann Hallman;
Captain Miller; William R. Byars, Jr.;
Florence Mauney; Dayne Haile; and
Larry Cartledge

Defendants

Civil Action No: 1:13-2721-RMG

ORDER

This matter is before the Court on the Report and Recommendation (“R & R”) of the Magistrate Judge recommending that the Court dismiss the Plaintiff’s complaint against Defendants Hallman, Mauney, and Cartledge without prejudice and without issuance and service of process. (Dkt. No. 10.) For the reasons set forth below, the Court agrees with and ADOPTS the R & R as the order of the Court.

Background

Plaintiff, Trovon Keith, is a prisoner at Perry Correctional Institution (“PCI”) in the Special Management Unit (SMU). He filed this § 1983 suit alleging a violation of his rights under the First, Eighth, and Fourteenth Amendments of the United States Constitution by employees of the South Carolina Department of Corrections. (Dkt. No. 1 at 2.) Among claims against other defendants that are not at issue here, Plaintiff claims that Defendant Hallman refused to process his prison grievance concerning the issues raised in this action. (Dkt. No. 1 at 8). Plaintiff also alleges that Defendants Mauney and Cartledge enforced a strip search policy

for SMU and that the strip search policy violated his Eight Amendment right to be free of cruel and unusual punishment. (*Id.* at 10-12). The Magistrate Judge recommended that the claims against these three defendants be dismissed without prejudice and without issuance and service of process. (Dkt. No. 10.) Plaintiff filed a reply stating that he agrees with the Magistrate Judge's recommendations. (Dkt. No. 15.)

Legal Standard

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility for making a final determination remains with this Court. *Matthews v. Weber*, 423 U.S. 261, 270-71 (1976). This Court is charged with making a *de novo* determination of those portions of the R & R to which specific objection is made. Here, however, because no objection has been made, this Court "must 'only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.'" *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee note). Moreover, in the absence of specific objections to the R & R, the Court need not give any explanation for adopting the Magistrate Judge's analysis and recommendation. *See Camby v. Davis*, 718 F.2d 198, 200 (4th Cir. 1983).

Discussion

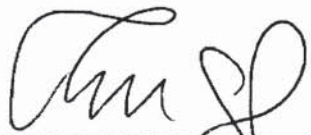
The Court agrees with the Magistrate Judge that Plaintiffs claims against Defendants Hallman, Mauney, and Cartledge should be dismissed. The Magistrate Judge correctly found that inmates have no constitutionally protected right to a grievance procedure. *E.g., Adams v. Rice*, 40 F.3d 72, 75 (4th Cir. 1994). Thus, Plaintiff has failed to state a claim against Defendant Hallman.

Plaintiff's allegations against Defendants Mauney and Cartledge are the subject of another suit filed by Plaintiff and currently pending before this Court. *See Keith v. Cartledge*, C/A No. 1:13-1131-RMG-SVH (D.S.C. Apr. 26 2013) (Dkt. No. 17-1 at 10). Thus, the Magistrate Judge correctly found that these duplicative claims should be summarily dismissed in the interests of judicial economy and efficiency. *See Aloe Crème Labs, Inc. v. Francine Co.*, 425 F.2d 1295, 1296 (5th Cir. 1970).

Conclusion

The Court **ADOPTS** the Magistrate Judge's R & R (Dkt. No. 10) as the order of the Court. Accordingly, Plaintiff's claims against Defendants Hallman, Mauney, and Cartledge are **DISMISSED** without prejudice and without issuance and service of process, and these defendants are dismissed from this action.

AND IT IS SO ORDERED



Richard Mark Gergel
United States District Court Judge

November 21, 2013
Charleston, South Carolina